

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT "C"

APPLICANT:	Helmut SIPPEL et al	EXAMINER:	Andy L. Pham
SERIAL NO.:	10/525,302	GROUP ART UNIT:	2854
FILING DATE:	August 2, 2005	CONFIRMATION NO.:	5971
INVENTION:	METHOD FOR ELIMINATING ERRORS DURING OPERATION OF AN ELECTROGRAPHIC PRINTER OR COPIER DEVICE, AND ELECTROGRAPHIC PRINTER OR COPIER DEVICE AND COMPUTER PROGRAM		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action dated April 22, 2008, Applicants provisionally elect, with traverse, Group 1d - claims 13, 17, 21, 23, and 24.

In the second Office Action in this application, the Examiner imposed a restriction requirement to restrict examination to either the method or apparatus claims. The Examiner also imposed an election requirement if the method claims are elected.

Applicants respectfully submit that the restriction requirement is improper and requests withdrawal of the requirement. A restriction requirement imposed as a means to reduce the Examiner's workload the restriction may be proper prior to undertaking of the search but here the search has been performed as to all of the embodiments identified in the restriction and a first action on the merits for all of the embodiments including citations of prior art from the search has been issued and a response thereto has already been filed. A restriction now would only remove already searched and examined claims from consideration.

At section 5 of the office action on page 4, the Examiner sets forth the two conditions that must be met for a restriction requirement. The second required condition is that there